



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members  
FROM: Linda Thomas, Chair  
DATE: Tuesday, October 8, 2019  
SUBJECT: **October Board Meeting**

---

The next meeting of the NET RMA is scheduled as follows:

**DATE:** Tuesday, October 8, 2019  
**TIME:** 1:30 PM  
**PLACE:** Pinecrest Country Club  
214 Club Dr.  
Longview, TX 75602  
Gregg County

Enclosed please find the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call Bianca Felux at 903.630.7894.

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)  
BOARD OF DIRECTORS REGULAR MEETING**

Tuesday, October 8, 2019

Pinecrest Country Club

214 Club Dr.

Longview, TX 75602

Gregg County

---

**1. CALL TO ORDER AND DECLARATION OF QUORUM**

*Notice of this meeting was posted with the Secretary of State's Office and on the NET RMA website and office on Friday, October 4, 2019.*

1:33 PM

**2. INVOCATION**

Gary Halbrooks provided the invocation.

**3. WELCOME & INTRODUCTION OF BOARD MEMBERS**

In attendance: Chet Clayton, Belinda Andrus, John Cloutier, Dave Spurrier, Gary Halbrooks, Linda Thomas, Chris Miller, Barham Fulmer, Keith Honey, Dan Droege, Robbie Shoults, Jason Ray, Nate Priefert, Dr Jim Harris. On Phone: Andrea Williams-McCoy

Linda Thomas stated that it's an exciting moment for the NET RMA. The judges from Camp and Cass County are in attendance. She invited them to say a few words. Judge Wilbanks thanked the NET RMA for the invitation. She stated they are so excited to be a part of the RMA. It's very important to Cass County especially with I-69 projects in the pipeline hopefully within the next few years. She does not have a member for the board at this time but hopefully by the next meeting, she will. She thanked for their welcome and looks forward to being an active part of the NET RMA. Judge Mason from Camp County also thanked the NET RMA for their invitation. He stated that Camp County was not a part of the NET RMA but was surrounded by counties that were and he knew transportation was an important part of growth. So, he asked how to join and is pleased to be admitted. Ken Pilgrim will be their recommended board member to the RMA. He has an interest in transportation and is excited to be a part of the NET RMA.

**4. OPEN PUBLIC FORUM/COMMENT PERIOD**

**5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE SEPTEMBER 10, 2019 BOARD MEETING. Action Item**

Motion to approve: Gary Halbrooks, 2<sup>nd</sup> James Harris. Unanimously approved.

**6. CHAIR'S REPORT Linda Thomas**

Linda Thomas thanked all for meeting in Gregg County. She hopes everyone has been able to enjoy the fall weather. The state has continued to build infrastructure. She congratulated the citizens of El Paso for completing their Loop 363 which is a toll road. Houston will soon hold a vote for a 3 billion infrastructure build. It's heartening to see infrastructure is such an important subject.

**7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON AN HONORARY RESOLUTION FOR BOWIE COUNTY JUDGE JAMES CARLOW.**

Linda Thomas stated that Judge Carlow is retiring. They are sorry to see him go as he is a champion of East Texas.

Motion to approve: 2<sup>nd</sup>:

**8. COMMITTEE REPORTS**

**A. Executive Committee Linda Thomas**

No report.

- B. Personnel Committee** Jason Ray  
No report.
- C. Construction and Maintenance Committee** Barham Fulmer  
No report.
- D. Member Outreach Committee** John Cloutier  
No report.
- E. East Texas Hourglass Committee** Dave Spurrier  
Dave Spurrier stated a meeting was held a few weeks ago at Pinecrest. They met and received input about Segment 6 as well as 7 and 8 but it will be discussed later on item 14.
- F. Investment Committee** Robert Messer  
No report.
- 9. PARTNERSHIP UPDATES**
- A. East Texas Corridor Council** Linda Thomas  
No report.
- B. I-69 Alliance Committee** Linda Thomas  
Linda Thomas stated that she and a few others were in Washington DC a few weeks ago. It was a very positive meeting. They were able to visit with the congressmen involved with transportation projects. They had briefings and it sounded very promising that there would be some available funding at the end of the year; however, recently there have been changes since then and things are a little less clear.
- C. East Texas Council of Governments** Linda Thomas  
No report.
- D. Metropolitan Planning Organization/Texas Department of Transportation Updates** Chris Miller  
No report.

**10. REVIEW AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS.**

Dianne Johnston provided the presentation. This will look into where we ended in August 2019. Total operating revenue was \$15M compared to August 2018 gives a positive variance of 32.6% increase. Total operating expenses from 2018 to 2019 shows a negative variance of 7.64%. Toll 49 operating expenses showed a negative decrease of 8.11%. Other income and expense: showed a negative variance of 20.41%. On each one of those sections, there were no new variances to note expect in other income and expenses. The priority project funds were paid out to Wood County. Change in net position showed a positive variance of \$930k. Budget to actual: The actual revenue is below budget by 6%. They're gradually still narrowing that difference. The electronic revenue improved from -6% to -5% and video revenue went from -11% to -8%. Total NET RMA operating expenses are over 8% with no new variances. Income and expense are over budget by 18% with no unexplained variances again. Total net income is -4M compared to budget. Dave Spurrier asked on the depreciation expense related to budget, are they off due to timing or was it due to missing the depreciation number. Dianne stated that Segment 4 didn't pick up depreciation of Segment 4. Dave Spurrier then asked about interest expense. Dianne stated that she believed it was budgeted for the cash interest and not the non-cash deficit. For 2020 it is considered. She stated that for the interest expense, it shouldn't happen again. Keith Honey asked if they had been reimbursed for bridge repair yet? Dianne stated that no, they haven't because it was transferred to another adjuster. Tammy Sims confirmed and stated that it should hopefully be happening soon. Chris Miller stated they asked Locke Lord to look into it and they were able to make more progress and they are taking action, but they have been moving slowly. Dave Spurrier asked if we would be able to recoup Locke Lord expenses since it's taking this long? Chris Miller stated that is something they will look into.

Motion to approve Dan Droege. 2<sup>nd</sup>: Dave Spurrier. Unanimously approved.

**11. REPORT ON TOLL 49 TOLLING TRANSACTIONS AND REVENUE.**

Chris Millers stated that they were slightly under 38k. It has dipped just a little bit but there has been a historic August-September slow down. Likely due to school starting. They will keep an eye on it going forward. The average daily is still up about 6k compared to last year so they're still doing well. Chris Millers stated they met with CDM Smith this morning and they will continue to provide a deeper dive into transactions via a quarterly basis. He also pointed out that Cogensia, the

marketing analysis firm, are currently in the process of putting together a letter to ask NTTA and HCTRA for data based on zip codes. The primary thing is to share each other's data and work together to provide what services that they can. There is always push back when it comes to releasing data though. Which is why it has been a little slow.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE BYLAWS REGARDING MEMBER COUNTIES OF THE NET RMA.  
(RESOLUTION 19-37)** **Action Item**

Motion to approve: Barham Fulmer. 2<sup>nd</sup>: Dan Droege. Unanimously approved.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 1 WITH HNTB CORPORATION FOR A TOLL 49 WIDENING PROJECT.  
(RESOLUTION 19-38)** **Action Item**

Everett Owen stated that this is a work authorization for an expansion of the existing road between SH31 and 64 so that it is shovel ready once funds are available. This is to get the engineering completed. This WA is for just under 1.4M. The contract is a "not-to-exceed" amount and it is likely that they will get below that number. John Cloutier asked if this was the segment that had bond issues previously. Chris Miller stated yes, but the bond issue was on the west side and the expansion would be on the west side. Everett Owen stated that HNTB is one of the older engineering firms and they have incredible tolling experience. They have been in business for nearly 100 years. They were CTRMA's GEC since the beginning up until 2 years ago. They are highly respected. Dave Spurrier asked if this was something they spoke on last month and 1.3M was accounted for in the budget? Everett Owen stated yes. Dave Sparrer stated that this was a section of the road that they know they would widen at some point. It's just to get it shovel ready for the moment when federal money is available. John Cloutier asked how long the environmental lasts? Everett Owen stated once it has been cleared, it'll be locked in. There are no environmental considerations on this. Dave Spurrier asked if the study work for this would be good for years to come? John Cloutier asked if these plans would time out? Everett Owen stated that unless there were design changes, it would last and not go to waste. Gary Halbrooks stated that time usually tells you that doing it today will cost less than doing it later.

Motion to approve: Keith Honey. 2<sup>nd</sup>: Jason Ray. Unanimously approved.

**14. PRESENTATION ON SEGMENT 6 ENVIRONMENTAL REVIEW PROCESS.**

Andy Atlas provided the presentation. He stated they are looking at potential route options to extend the road from 110 to 271. These studies began in September 2018. They will soon begin an environmental impact study that is mandated by the state to be eligible for federal funding. They have been collaborating with the public as well as working with a working group to develop routes. They had 893 responses from public relating to route options. They evaluated all of the routes equally, made adjustments, and were able to narrow it down to 3. They had 25 evaluation criteria to make sure everything was data driven. Those criteria were: flood plain acreage, potential wetlands, home interruption, ROW cost, closing oil and gas wells, construction costs, average annual daily traffic and so forth. They met on September 26<sup>th</sup> of this year with the working group to work through the process and explain the results they came to. They got a consensus from the working group on the routes they chose. The preliminary results were presented to the public and on the news. They used a data driven evaluation process and chose: the purple route, an adjusted yellow route and an adjusted teal route. They were the routes that had the highest scores using the evaluation process. Gary Halbrooks asked how many total routes were used? Andy Atlas stated that in December 2018, the public provided 50 routes that they evaluated equally. That was then narrowed down to 13 and after taking further adjustments from the public, they brought it back down to 6 and now to 3. The feasibility study is still being analyzed. He wanted to reiterate that it is still preliminary. Once the study is complete, it will be available to the public which they anticipate will be November 2019. They now must move towards the environmental impact statement which is a federally required statement. There will be more public involvement during the Environmental Impact Study (EIS) process and adjustments can still be made. The routes they have now are not finalized. There is still a lot of meeting with the public and engineers that needs to be done. After all of that, they will host another

public meeting. The final decision is anticipated to occur in 2022. They have had about 400 people attend the public meetings and will have more public hearings in the future. They welcome all comments. It's a key component and it's all about making it the best project they can for the region. They are meeting with potentially impacted landowners in the next few months. They will have an open house in spring 2020. Dave Spurrier commented that he feels really good about the work that's been done so far. They have made adjustments and listened to the public as best they could. He wanted to remind all that there is a lot of opportunity for input and wanted to know what the best way would be for them to give their input. Andy Atlas stated that the best way would be to go to the NET RMA website. They have also sent out letters and emails to potentially affected homeowners. But the website has a phone number where people can engage. He wanted to give commendations to Elizabeth Story who has been engaging people and making sure their voices are heard to make sure their comments reach the development folks. Dr. Harris asked if there is a map available on Google Earth of the 3 routes for the public to look into. Andy Atlas stated that they do not as of yet but it's a great idea. John Cloutier stated that it would be a good idea to have a generic template on how a road is developed and built to better inform the public to give them a better idea of the structured process. That could help the public stay on top of what they are seeing and digest where they are in the process. Dave Spurrier stated that the website has been updated and that in the ETHG link, there is a list of all the segments. There is also verbiage and picture of the 3 routes on the website. Dave Spurrier stated that it could be good to have the status or timeline area in the website updated. Andy Atlas thanked all for their help.

Comments from the public:

Jeremiah Wilson: He thanked all for the work they have done on the project and thanked the NET RMA for hearing his concerns. He stated that in his opinion, the purple and yellow options seem to be the most beneficial routes. They seem to relieve the most congestion as they're closest to the University of Tyler. He has also been told by the Grace Community school that they would like those routes as well. The teal route is farther out, and they would need to travel much further to even use that route. In that area, Loop 323 which comes to spur 248, it is extremely congested. A road that is a little east from that area would help congestion greatly. Beyond that, the Christus and UT health system have also expressed that emergency personnel would be able to access those areas much faster as they could bypass the traffic on Broadway. If they could take a route that's closer into the town, they could access those hospitals faster. The purple and the yellow routes are close to the DPS office in Smith County. The teal route is further out. He asks them to consider looking at those inner 2 routes. There is also a historical landmark Baptist church that would be interrupted by the teal route.

Robert Wilson: He wanted to say no to the teal route. The adjusted teal route will run 1.6 miles from Chapel Hill Elementary school. The on-off ramps will be very close to the school. That area will be incredibly congested. This route would add to traffic flow. The high schools are right next to the teal route as well. He also asked why the selection criteria was changed in September? He also wanted to know the difference between an adjusted route vs a new route and also wanted to know why the green route was not considered that was created by KLOL. He also stated that moving it away from town would not help business. And asked that they say no to the teal route.

Mike Hilliard: He stated he has lived in his house for over 30 years. The teal route would decimate their homes and most people are retired. The adjusted teal route has added several homes that will lose property value. He stated that there will not be compensation for those that will lose property value (39 ppl). The adjusted teal route goes right through his neighbor's house and it makes a difference to him.

Dr. Gary Mears: He stated that it is important to know that the worst mistake the board can make is to take a toll road to nowhere, to take a toll road towards an area that doesn't have any business. He asked the board to look at businesses that no longer exist and why? Because roads need to go closer to the areas that are continuing to grow. Education is always continuing to grow. Businesses go out of business but schools do not. They are growing. He asks the board to consider the worst scenario, building a toll road to businesses that will no longer exist. Dr. Tidwell told him that he just wants the toll road to go next to the university. Bring the toll road closer to the university. The purple route would do that. The closer to the university, the better.

Public comments closed.

**15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE NET RMA PROJECT DIRECTOR AGREEMENT.  
(RESOLUTION 19-39)**

**Action Item**

Chris Miller stated that an agreement was approved with Everett Owen years back. It needs to be amended and will need to be a year to year agreement starting from June 1<sup>st</sup> 2020. Chris Miller stated the NET RMA has been served well by Everett Owen and would like to continue to have him as a project director going forward.

Motion to approve: Gary Halbrooks, 2<sup>nd</sup>: Dr. James Harris. Unanimously approved.

## **16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE NET RMA EXECUTIVE DIRECTOR EMPLOYMENT AGREEMENT.**

### **(RESOLUTION 19-40)**

**Action Item**

Brian O'Reilly stated that if the board wishes, they can go into executive session to further discuss this item. At 2:40, they went into executive session. 3:24 PM reconvened. Jason Ray recommended a 4% pay increase for Chris Miller. Gary Halbrooks stated that based on their conversation, the executive director performed at the same rate as last year. His thought is that if they are going to be handing out raises at that same level which is above cost of living, that he personally believes 4% is too much. His recommendation would be 2%.

Motion to approve: Jason Ray. 2<sup>nd</sup>: Chet clayton. Opposed: Gary Halbrooks

## **17. EXECUTIVE DIRECTOR'S REPORT.**

**Chris Miller**

### **A. Senator Robert Nichols Visit**

Chris Miller stated that they met with Senator Nichols in Austin and his district is only representative of Cherokee County. As a transportation committee chair for the senate, he wanted him to understand exactly what's going on with the 3 routes. It was a great visit and he's a big supporter of Toll 49. Chris Miller stated they should be happy to have a senator that's supportive of tolls. Senator Nichols stated that getting state funding for tolls will be difficult because the sentiment is still pretty negative in the public.

### **B. Camp and Cass County Meetings**

Chris Miller stated that they met with Camp and Cass County meetings. They are very excited for the addition. John Cloutier asked if they have gotten the railroad money? Chris Miller stated they haven't yet but they have done what they needed to do. It is something that has been left to the higher levels but they don't expect anyone going back on it. John Cloutier stated that they need to continue to pursue that because the further away they get from Jeff Austin III being there, the harder it will be. Dave Spurrier asked if it has been approved or not? Chris Miller stated that he believes it had already been approved years ago before his time through the transportation committee. John Cloutier asked if they can get something in writing. Brian O'Reilly stated they have received a signed agreement.

Chris Miller thanked the board for their consideration and continued support. He stated that the direction and guidance from the board has helped him immensely. The board has been instrumental in guiding that process as well. He looks forward to continued success with the organization.

Dave Spurrier asked if a December board meeting will be held. They had discussed having an East Texas Hourglass meeting at some point. Chris Miller stated the feasibility report will come out officially at the end of November so that is a significant update. A decision will be made in November.

## **18. ADJOURNMENT**

Adjourned: 3:36

### **EXECUTIVE SESSION - PURSUANT TO CHAPTER 551, SUBCHAPTER D, TEXAS GOVERNMENT CODE, IF ANY**

- **At any time during the meeting of the NET RMA Board of Directors, the Board may meet in executive session for consultation concerning matters under Chapter 551 of the Texas Government Code, including:**
  - A. Section 551.071. Consultation with Attorney—Consultation with and advice from legal counsel concerning pending/contemplated litigation, settlement offers and negotiations, ongoing disputes and potential disputes, and other legal issues.**
  - B. Section 551.072. Deliberation Regarding Real Property—Discussion of real property purchase, exchange, lease,**

license, gift, donation, and/or negotiated settlement, including property to be acquired for right-of-way.

- C. **Section 551.074. Personnel Matters—Deliberation concerning the appointment, employment, reassignment, evaluation, duties, discipline, and/or dismissal of personnel.**

**Tentatively Scheduled NET RMA Board Meetings:**

November 12, 2019 – Kaufman County

**Non-Scheduled Meetings / Functions - Where a Quorum could be Present, but No RMA Business would be conducted:**

October 31, 2019 – Texas Transportation Commission meeting

**PARTICIPATION BY TELEPHONE CONFERENCE CALL:**

One or more members of the Board may participate in this meeting through a telephone conference call, as authorized by Section 370.262, Texas Transportation Code. Under that law, each part of the telephone conference call meeting that by law must be open to the public shall be audible to the public at the meeting location. During the meeting, the identification of each party shall be clearly stated prior to speaking, and the meeting shall be documented by written minutes. On conclusion of the meeting, the written minutes of the meeting will be made available to the public.

**COURTESY RULES**

Thank you for your presence. The NET RMA appreciates your interest. If you wish to address the RMA on any agenda item, Public Participation Forms will be available before the meeting. These forms must be filled out and turned in to the RMA Chair or Secretary *prior* to the time the agenda item in question is addressed by the RMA.

You must be recognized by the Chair. (NOTE: Items will not necessarily be presented in the order they are posted.)

**OPEN COMMENT PERIOD**

At such time as is designated on the Agenda, the Board will allow an open comment period, **not to exceed one hour**, to receive public comment on any other matter that is under the jurisdiction of the Board. Public comment that does not relate to a specific agenda item must be made during the open comment period.

Each speaker will be allowed such time as is identified by the Chair, but in no event more than a **maximum of three (3) minutes**. Speakers must be signed up prior to the beginning of the open comment period. For subjects that are not otherwise part of the agenda for the meeting, Board members may neither comment nor question speakers during the open comment period, but may request the Chair, or a recognized committee, to investigate the subject further. No action will be taken on matters that are not part of the agenda for the meeting.

**NOTE**

Enumerated agenda items are assigned for ease of reference only, and will not necessarily be considered by the Board in that particular order. The Chair may rearrange the order in which agenda items are considered.

Presenters with audiovisual needs are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting.

**ACCESSIBILITY STATEMENT FOR DISABLED PERSONS**

This meeting site is accessible to disabled persons as follows: wheelchair ramp at the main entrance. If any special assistance or accommodations are needed in order to attend this RMA meeting, please contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for person who are deaf or hearing impaired, and readers of large print or Braille, are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.